

**UNITED STATES DISTRICT COURT**  
for the  
**District of Montana**

United States of America

v.

Rocky Rollin Bettin

)  
)  
)  
)  
Case No: CR-17-83-BLG-SPW  
USM No: 16864-046

Date of Original Judgment: 02/15/2018 )

Date of Previous Amended Judgment: 02/20/2018 )

(Use Date of Last Amended Judgment if Any)

)  
*Defendant's Attorney*

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

*(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)*

Defendant seeks a sentence reduction under the retroactive application to the criminal history rules in Part A of Amendment 821 to the United States Sentencing Guidelines. (See Doc. 61.) Defendant is clearly ineligible.

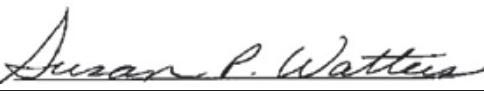
Part A limits the overall criminal history impact of "status points" for offenders who committed the instant offense while under a criminal justice sentence. See U.S.S.G. Ret. App. A & B, Sub. 1 Amendment 821 "Reasons for Amendment" (Nov. 1, 2023). "A defendant is ineligible for a sentence reduction if the relevant amendment does not have the effect of lowering the defendant's applicable guideline range." *United States v. Mercado-Moreno*, 869 F.3d 942, 949 (9th Cir. 2017); USSG §1B1.10(a)(2)(B) (2023).

Here, Defendant asks for consideration under Part A. Defendant received two "status points" for committing the instant offense while under a criminal justice sentence. (PSR ¶ 54.) This elevated his total criminal history score from a nine to 11, giving him a criminal history category of V. (PSR ¶¶ 53–55.) Although he is eligible for a one-point reduction to his total criminal history score under Amendment 821, reducing Defendant's criminal history score from an 11 to a 10 would not lower his criminal history category or the applicable guideline range. Defendant also received a below-guideline sentence from the Court; he was sentenced to 180 months and the guideline range was 210 to 262 months. (Doc. 41.) Because Defendant is clearly ineligible for a sentence reduction under the retroactive application of Amendment 821, his motion is denied.

Except as otherwise provided, all provisions of the judgment dated 02/20/2018 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 12/21/2023

  
\_\_\_\_\_  
*Judge's signature*

Effective Date: \_\_\_\_\_  
*(if different from order date)*

\_\_\_\_\_  
*Printed name and title*

**This page contains information that should not be filed in court unless under seal.**  
*(Not for Public Disclosure)*

Rocky Rollin Bettin

DEFENDANT: \_\_\_\_\_

CASE NUMBER: CR-17-83-BLG-SPW

DISTRICT: District of Montana

**I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)**

Previous Total Offense Level: \_\_\_\_\_ Amended Total Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_ Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- The reduced sentence is above the amended guideline range.

**III. FACTORS CONSIDERED UNDER USSG § 1B1.10 AND 18 U.S.C. § 3553(a) (*See Chavez-Meza v. United States, 138 S.Ct. 1959 (2018)*)**